

May 17, 2006

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
May 17, 2006

I. OPENING OF MEETING AT 10:40 A.M. AT 425 ½ SOUTH FOURTH STREET,
SPRINGFIELD, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; George E. Richards (via telephone), Betty Bukraba, and Barbara J. Peterson, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; Anne McElroy, Wendi Dillman, Larry Plummer and Chris Nickols, Central Management Services.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 20, 2006

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD APRIL 20, 2006.

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	146.....	9
Agriculture	483.....	17
Arts Council.....	20.....	1
Capitol Development Board	29.....	0
Central Management Services	1,646.....	115
Children and Family Services.....	3,310.....	41
Civil Service Commission	4.....	0
Commerce & Econ. Opportunity	449.....	62
Commerce Commission.....	42.....	0
Corrections.....	13,893.....	117
Criminal Justice Authority	75.....	6
Deaf and Hard of Hearing Comm.	6.....	1
Developmental Disabilities Council	11.....	1
Emergency Management Agency	105.....	1
Employment Security.....	1,794.....	26
Environmental Protect. Agency	1,065.....	17
Financial. & Prof. Regulation	806.....	44
Guardianship and Advocacy	113.....	6
Healthcare and Family Services	2,284.....	29
Historic Preservation Agency	251.....	12
Human Rights Commission	11.....	2
Human Rights Department	128.....	8
Human Services	14,869.....	61
Investment Board.....	4.....	2
Labor.....	73.....	7
Labor Relations Board Educational	16.....	2
Labor Relations Board Local	1.....	0
Labor Relations Board State	17.....	2
Law Enforce. Trng. & Standard Bd.	22.....	1
Medical District Comm.....	2.....	0
Military Affairs	144.....	3
Natural Resources	1,524.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board	22.....	0
Property Tax Appeal Board	22.....	2
Public Health.....	1,129.....	35
Revenue	2,002.....	53
State Fire Marshal	146.....	9
State Police	1,467.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems	84.....	1
Transportation.....	2,960.....	1
Veterans Affairs.....	1,166.....	4
Workers Comp. Commission.....	171.....	10
TOTALS	52,543.....	745

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.

- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.
 4. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 5. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

* * *

C. Requests for 4d(3) Exemption

- With regard to Items C1-3, Executive Director Daniel Stralka reported that Central Management Services was requesting the rescission of three positions in the Bureau of Computer and Communication Services as a result of a continuing reorganization. Chairman Kolker noted the benefits of vigilant monitoring of 4d(3) exempt positions and encouraged all agencies to do so. Anne McElroy, Deputy Director of Personnel at CMS, indicated that CMS is undergoing an agency-wide review which it hopes to accomplish within 6 months

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION RESCISSION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption rescissions were approved at the May 17, 2006 meeting:

Illinois Department of Central Management Services

Position Number: 40070-37-14-000-01-01
Position Title: Senior Public Service Administrator
Bureau/Division: Bureau of Communication and Computer Services
Functional Title: Manager, LAN/Office Systems Services Division
Incumbent: None
Supervisor: BCCS Deputy Director
Location: Sangamon County

Illinois Department of Central Management Services

Position Number: 40070-37-11-000-01-08
Position Title: Senior Public Service Administrator
Bureau/Division: Bureau of Communication and Computer Services
Functional Title: Manager, Information Services Division
Incumbent: None
Supervisor: BCCS Deputy Director
Location: Sangamon County

Illinois Department of Central Management Services

Position Number: 40070-37-12-000-01-01
Position Title: Senior Public Service Administrator
Bureau/Division: Bureau of Communication and Computer Services
Functional Title: Manager, Information Management Services Division
Incumbent: None
Supervisor: BCCS Deputy Director
Location: Sangamon County

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY CHAIRMAN KOLKER AND THE MOTION ADOPTED 4-0 TO DISCUSS THE CLASS SPECIFICATIONS OUT OF ORDER.

V. AMENDMENTS IN CLASS SPECIFICATIONS

The Director of Central Management Services submitted the following class titles for revision or abolishment:

A. Aircraft Pilot I

Staff Analysis: Assistant Executive Director Andrew Barris stated that a revision to the Aircraft Pilot I specification was needed to remove language regarding the completion of approved military or civilian flight school. This language was removed from the Aircraft Pilot II class specification in 1990 but it was erroneously left in the Aircraft Pilot I specification.

- B. Disability Appeals Officer
Disability Claims Adjudicator II
Human Services Caseworker
Industrial and Community Development Representative I
Licensing Investigator I
Licensing Investigator II
Licensing Investigator III
Licensing Investigator IV
Public Aid Appeals Advisor
Public Aid Eligibility Assistant
Public Aid Lead Casework Specialist
Real Estate Investigator
Rehabilitation Counselor
Rehabilitation Counselor Senior

Staff Analysis: Assistant Executive Director Andrew Barris stated that revisions to several class specifications – ranging from the Disability Appeals Officer to Rehabilitation Counselor Senior – were needed to correct agency names, programs and position titles that had become obsolete or had changed, i.e., the Illinois Department of Public Aid was changed to the Illinois Department of Healthcare and Family Services, or the Department of Rehabilitation Services was changed to the Division of Rehabilitation Services.

- C. State Mine Inspector
State Mine Inspector – At Large
Public Service Administrator (Option 8M)
Mine Rescue Station Supervisor (abolish)

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Staff Analysis: Assistant Executive Director Andrew Barris addressed the Commission regarding the creation of the State Mine Inspector and State Mine Inspector – At Large class specifications. Barris stated that he spoke to John Logsdon at Central Management Services. Logsdon explained that the education and experience for a State Mine Inspector under the Coal Mining Act requires completion of high school plus ten years experience but that applicants did not necessarily meet the qualification of the Public Service Administrator, i.e., four years of college and 3 years of administrative experience. Chris Nickols from Central Management Services attended the meeting and reiterated that these new classes were necessary to address the need for qualified mine inspectors with experience. Commissioner Peterson asked Nickols about the duties of the State Mine Inspector and how many persons would hold the classification. Nickols explained there were 12 Mine Rescue Station Supervisors and/or Public Service Administrators that would hold the class specification of either a State Mine Inspector or State Mine Inspector – At Large.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO APPROVE THE REVISION OR ABOLISHMENT OF THE FOLLOWING CLASS SPECIFICATIONS FOR THE FOLLOWING CLASS TITLES TO BE EFFECTIVE JUNE 1, 2006.

Aircraft Pilot I

Disability Appeals Officer

Disability Claims Adjudicator II

Human Services Caseworker

Industrial and Community Development Representative I

Licensing Investigator I

Licensing Investigator II

Licensing Investigator III

Licensing Investigator IV

Public Aid Appeals Advisor

Public Aid Eligibility Assistant

Public Aid Lead Casework Specialist

Real Estate Investigator

Rehabilitation Counselor

Rehabilitation Counselor Senior

State Mine Inspector

State Mine Inspector – At Large

Public Service Administrator (Option 8M)

Mine Rescue Station Supervisor (abolish)

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IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	
BUKRABA	YES		

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VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 425 ½ South Fourth Street, Springfield, Illinois at 11:03 a.m.

PRESENT

Chris Kolker, Chairman; George E. Richards (via telephone), Betty Bukraba, and Barbara J. Peterson, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff.

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of April 30, 2006.

Agency	3/31/06	4/30/06
Agriculture	8	8
Arts Council	1	1
Central Management Services	3	3
Children and Family Services	8	10
Commerce and Economic Opportunity	2	2
Emergency Management Agency	1	0
Financial and Professional Regulation	2	1
Healthcare and Family Services	8	10
Human Services	5	2
Natural Resources	3	21
Property Tax Appeal Board	1	1
Transportation	60	27
Veterans Affairs	2	2
Totals	104	88

IX. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSAL**

RV-29-06

Petitioner	AFSCME	Appeal Date	1/03/06
Agency	DHS	Decision Date	3/28/06
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Proposed Finding	Default-failure to provide information; dismissed subject to Commission approval.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING DISMISSING THE APPEAL OF THE PETITIONER.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	
BUKRABA	YES		

• **DISMISSAL**

RV-34-06

Petitioner	Daniel Thies	Appeal Date	3/02/06
Agency	DVA	Decision Date	3/28/06
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Violation of Personnel Code and Rules	Proposed Finding	No jurisdiction; dismissed subject to Commission approval.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING DISMISSING THE APPEAL OF THE PETITIONER.

KOLKER	YES	RICHARDS	YES
PETERSON	YES	EWELL	
BUKRABA	YES		

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• **DISMISSAL**

DA-20-06

Respondent	Cecilia Namayanja	Appeal Date	9/28/05
Agency	DCFS	Decision Date	4/25/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Falsification of documents; failure to perform duties	Recommended Decision	Settlement; dismissed subject to Commission approval.

DA-36-06

Respondent	Elvin W. Brown	Appeal Date	3/19/06
Agency	IEPA	Decision Date	5/02/06
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Witnessed receiving oral sex on state property during work time	Recommended Decision	No jurisdiction; dismissed subject to Commission approval.

S-40-06

Respondent	Margaret Johnson	Appeal Date	4/20/06
Agency	DVA	Decision Date	5/03/06
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Withdrawn; dismissed subject to Commission approval.

S-41-06

Respondent	Quentin Grant	Appeal Date	4/19/06
Agency	Agriculture	Decision Date	5/02/06
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Suspension pending discharge	Recommended Decision	No jurisdiction; dismissed subject to Commission approval.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO APPROVE THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISIONS DISMISSING THE APPEALS OF THE PETITIONERS, NAMAYANJA, BROWN, JOHNSON AND GRANT.

**KOLKER YES RICHARDS YES
PETERSON YES BUKRABA YES
EWELL**

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X. STAFF REPORT

Executive Director Daniel Stralka reported that:

- The FY07 budget for the Commission was passed as introduced;
- FY07 mileage reimbursement rate increased to 44.5 cents per mile;
- Sandra Guppy attended a two-day Excel Workshop in April;
- Central Management Services pledged to purchase six computers on the assumption that the Commission may be relocating;
- Electric Bates numbering machine was purchased to replace manual numbering stamp for preparing administrative review records;
- Two Hunter air purifiers were purchased to alleviate the dust/allergy situation in the Springfield office;
- A walk-through tour of the potential new space will occur after the meeting; and
- The Commission received an award for Outstanding Achievement in the 2005 SECA campaign. Assistant Executive Director Andrew Barris was the Commission representative for the 2005 Campaign. Beckie Daniken was appointed to serve as such for the upcoming 2006 campaign.

XI. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, June 15, 2006 at 9:00 a.m. in the Commission's Chicago office.

XII. MOTION TO ADJOURN

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:08 A.M.